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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. CR04-117-JCC
10 v.)
11 VERNON H. STILLWELL,) SUMMARY REPORT OF U.S.
12 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled before
15 me on March 9, 2011. The United States was represented by AUSA Tessa Gorman and the
16 defendant by Catherine Chaney. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about April 15, 2005 by the Honorable John C.
18 Coughenour on a charge of Felon in Possession of a Firearm, and sentenced to forty-six months
19 custody, 3 years supervised release. (Dkt. 32.)

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant submit to mandatory drug testing, be prohibited from possessing a
22 firearm, abstain from alcohol or other intoxicants, participate in a substance abuse program,

01 submit to search, provide his probation officer with access to financial information, be prohibited
02 from incurring new credit obligations or opening new lines of credit, be prohibited from
03 possessing any identification documents in any but his true identity, and participate in a mental
04 health program. On September 25, 2005, the judgment was amended to clarify that the sentence
05 would run concurrently with defendant's sentence in King County Case No. 04-1-13655-1 KNT.
06 (Dkt. 35.)

07 On February 5, 2010, defendant admitted violating the conditions of supervised release
08 by failing to submit a truthful and complete monthly report form, failing to submit to drug testing
09 as instructed, failing to report to the probation office as instructed, and committing the crime of
10 obstruction of a law enforcement officer. (Dkt. 49.) Defendant was sentenced to four month in
11 custody, thirty-two months supervised release. He was required to reside in and satisfactorily
12 participate in a residential reentry center program for up to 120 days.

13 On November 4, 2010, defendant admitted violating the conditions of supervised release
14 by failing to submit a written report to the probation office within the first five days of October
15 2010, failing to report for urinalysis testing, and failing to report for office contacts. An
16 evidentiary hearing was scheduled on additional alleged violations of supervised release. (Dkt.
17 62.) The conditions of supervised release were modified on November 15, 2010 to require
18 defendant to reside in and successfully participate in a residential reentry center program for up
19 to 180 days. (Dkt. 63.)

20 In an application dated January 21, 2011 (Dkt. 64, 65), U.S. Probation Officer alleged the
21 following violations of the conditions of supervised release (numbered sequentially to follow the
22 pending violations as referenced above):

01 8. Failing to reside at a residential reentry center (RRC) for up to 120 days or until
02 discharged by the program manager with the approval of the U.S. Probation Officer.

03 9. Failing to report to the U.S. Probation Officer as instructed.

04 Defendant was advised in full as to those charges and as to his constitutional rights.

05 Defendant admitted alleged violations 7,8, and 9 and waived any evidentiary hearing as
06 to whether they occurred. The government moved to dismiss alleged violations 4, 5, and 6. (Dkt.
07 71.)

08 I therefore recommend the Court find defendant violated his supervised release as alleged
09 in violations 7, 8, 9, as well as violations 1, 2, and 3 as previously reported (Dkt. 62), that the
10 Court conduct a hearing on those violations limited to the issue of disposition, and that the Court
11 dismiss alleged violations 4, 5, and 6. The next hearing is scheduled for April 22, 2011 before
12 Judge Coughenour.

13 Pending a final determination by the Court, defendant has been detained.

14 DATED this 9th day of March, 2011.

15 

16 Mary Alice Theiler
17 United States Magistrate Judge

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19 cc: District Judge: Honorable John C. Coughenour
20 AUSA: Tessa Gorman
21 Defendant's attorney: Catherine Chaney
22 Probation officer: Frances L. Davis